

REMARKS

Applicant believes that the amendments to the claims as well as the comments that follow will convince the Examiner that the rejections provided in the December 4, 2007 Office Action have been overcome and should be withdrawn. Applicant has amended claim 1 and submits that the change is supported by the specification. Applicant has submitted new claims 12-22. No new matter has been added.

I. THE EXAMINER'S REJECTIONS

The Examiner rejected claims 1-5, 7, 8 and 10 under 35 U.S.C. § 102(b) as being unpatentable over Pugliese, et al., U.S. Pat. Pub. No. 2001/0016825 (hereinafter "Pugliese"). The Examiner states:

Pugliese teaches a method of providing automated reservations via an automated interactive voice response system comprising the steps of: authenticating a user utilizing one or more forms of identification data to access an awards account (§§ 0011, 74); acquiring itinerary data from said user (§ 0067); querying an itinerary database with said itinerary data (§§ 0040, 0081); providing to said user a plurality of itineraries (§ 0040); allowing a user to select an itinerary from said plurality of itineraries (§ 0040); querying an awards database to determine if said user has sufficient awards in said awards account (§ 0074); and acquiring payment information from said user for said selected itinerary (§ 0040). Pugliese does not explicitly teach that the querying is for said selected itinerary; however this difference is only found in a statement of intended use of the querying step. A statement of intended use is only given patentable weight to the extent that it imparts structural differences to the invention from the prior art. Because the teachings of Pugliese are capable of performing the intended use of the querying step, it meets the limitations of the claim. (Office Action dated December 4, 2007, p. 4).

The Examiner also rejected claims 2-5, 7, 8 and 10 as being unpatentable over Pugliese. Specifically, with respect to claim 2, the Examiner states that Pugliese discloses confirmation of the selected itinerary. Regarding claim 3, the Examiner states

that Pugliese “further teaches placing said selected itinerary on hold (§ 0067); and providing said user a reference number indicative of said itinerary (Abstract).” (Office Action dated December 4, 2007, p. 5). With respect to claim 4, the Examiner states that Pugliese “further teaches said user interacts with said automated reservations system utilizing vocal responses (§§ 0011, 40 - teaches use of a telephone).” (Office Action dated December 4, 2007, p. 5). Regarding claim 5, the Examiner states that Pugliese discloses that seats are assigned to users for the selected itinerary. As per claim 7, the Examiner states that Pugliese “further teaches said itinerary data includes one or more of the group consisting of a departure date, an arrival date, a departure time, an arrival time, departure location, arrival destination, number of passengers, class of service, and seating preference (§ 0067).” (Office Action dated December 4, 2007, p. 5). With respect to claim 8, the Examiner states that Pugliese discloses biometric identification data. Last, regarding claim 10, the Examiner states that Pugliese “further teaches wherein said identification data is at least one of the group consisting of a user’s name, a personal identification number, a social security number, a telephone number, a birth date, and a frequent flyer number (§ 0044).” (Office Action dated December 4, 2007, p. 5).

The Examiner also rejected claim 6 as being unpatentable over Pugliese and further in view of Trader et al., U.S. Patent No. 5,854,837 (hereinafter “Trader”). The Examiner states that Trader teaches that a user is transferred to an operator upon request. In the opinion of the Examiner, it would have been prima facie obvious to one of ordinary skill in the art to “incorporate the user is transferred to the operator upon request into the method taught by Pugliese in order to give the user additional help or information (as taught by Trader; column 1, line 24).” (Office Action dated December 4, 2007, p. 6).

Further, the Examiner rejected claim 9 as being unpatentable over Pugliese and further in view of Nemirofsky, et al., U.S. Patent Publication No. 2004/0107136 (hereinafter "Nemirofsky"). The Examiner states that Nemirofsky teaches that the identification data is voice data. In the opinion of the Examiner, it would have been an obvious design choice to include a voice recognition unit in the Pugliese system to allow for voice identification data.

Finally, the Examiner rejected claim 11 as being unpatentable over Pugliese in view of Lambert et al. U.S. Patent No. 6,282,649 ("Lambert"). The Examiner states that Lambert teaches that the awards database is a look-up table. In the opinion of the Examiner, it would have been obvious to one of ordinary skill in the art to incorporate into the Pugliese method an awards database in the form of a look-up table "in order to identify a user and his/her access authority." (Office Action dated December 4, 2007, p. 7).

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being unpatentable under Pugliese. Applicant respectfully disagrees and submits that Pugliese does not teach or suggest all of the claim elements of the present invention.

The Examiner states that "Pugliese teaches a method of providing automated reservations via an automated interactive voice response system comprising the steps of: authenticating a user utilizing one or more forms of caller-provided identification data to access an awards account...." (Office Action dated December 4, 2007, p. 4). As shown in Pugliese, a user accesses the services via a computer terminal such as an ATM (§ 0015) or a portable computer (§ 0074). Specifically, Pugliese states:

The system connects a main computer system storing basic information to computer terminals, including mobile lap top individual computers, at remote sites in order to exchange personal database validation information for an individual and certain preplanned activities. ... Each computer terminal includes a card reader to expedite pass through of the individual at each process check point. (Pugliese ¶ 0010).

Pugliese does not contemplate an automated voice response system for use with a telephone. In contrast, Pugliese describes a traditional telephone reservations system whereby an agent or operator answers the call and assists the caller:

Typically, the common carrier reservation process starts with a prospective passenger contacting the airline via a travel agent or contacting the airline directly through a toll free 800 telephone number. The airline reservation operator, who answers the call, provides flight availability information. (Pugliese ¶ 0011).

Thus, Pugliese does not disclose, teach or suggest an automated voice response system for interacting directly with callers. Claim 1 has been amended to emphasize this feature of the present invention.

Further, the Pugliese system authenticates a user utilizing the passenger's I.D. card for access to a rewards account. Pugliese confirms this configuration in the specification:

the flight attendant would use the mobile communication system previously employed at the gate, or a similar portable computer with wireless capability, to read the passenger's I.D. card and access the central computer to debit the passenger's frequent flier account by an amount required by the purchase, again with the system performing the conversion of frequent flier miles to cash or trade equivalent. (Pugliese, ¶ 0074).

Pugliese's system requires that a portable computer read a passenger's I.D. card for authentication. In contrast, Applicant's invention as defined by amended claim 1 requires "authenticating a user utilizing one or more forms of identification data *provided by said user to said automated interactive voice response system* to access an awards

account.” (Emphasis added). In other words, the present invention requires that a caller provide the identification data to the automated voice response system. Therefore, Pugliese’s I.D. card system does not disclose, teach or suggest this limitation of the automated voice response system, as required by the present invention.

The Examiner rejected claim 4 under 35 U.S.C. § 102(b) as being unpatentable under Pugliese. Specifically, the Examiner states that Pugliese “teaches said user interacts with said automated reservations system utilizing vocal responses (¶¶ 0011, 40 - teaches use of a telephone).” (Office Action dated December 4, 2007, p. 5). Pugliese does not disclose that callers may provide voice responses to an automated system. Rather, Pugliese merely states that a passenger or travel agent “calls in” to the reservation center. (Pugliese ¶ 0040). As described above, Pugliese discloses that an airline reservation operator answers calls by prospective passengers. (Pugliese ¶ 0011). In contrast, dependent claim 4 requires that a user “interacts with said automated reservations system utilizing vocal responses.” Applicant respectfully submits that Pugliese does not disclose, teach or suggest this limitation of the present invention.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable under Pugliese in view of Nemirofsky. The Examiner states that it would have been prima facie obvious to incorporate a voice recognition unit taught by Nemirofsky into the method taught by Pugliese. Applicant respectfully disagrees. Pugliese does not disclose an automated voice response telephone system. Rather, Pugliese merely states that a passenger or travel agent “calls in” to the reservation center. (Pugliese ¶ 0040). As discussed above, Pugliese discloses that an airline reservation operator answers calls by prospective passengers. (Pugliese ¶ 0011). The voice recognition unit disclosed by

Nemirofsky would necessarily require an interactive voice response system. Thus, one of ordinary skill in the art would lack motivation to combine the voice recognition unit disclosed by Nemirofsky with the traditional operator-answered telephone call center of the Pugliese system. Dependent claim 9 requires that the identification data of claim 1 is voice data. Applicant respectfully submits that Pugliese and Nemirofsky do not individually or in combination disclose, teach or suggest this limitation of the present invention.

III. THE EXAMINER'S RESPONSE TO ARGUMENTS **SHOULD BE WITHDRAWN**

The Examiner first explains that the recitation "via an automated interactive voice response system" has not been given patentable weight because the recitation occurs in the preamble. (Office Action dated December 4, 2007, p. 2). Applicant has amended claim 1 to recite "via an automated interactive voice response system" in the body of the claim. As a result, this phrase should be accorded patentable weight.

The Examiner states that Pugliese discloses "caller-provided" identification data. (Office Action dated December 4, 2007, p. 2). Indeed, Pugliese discloses that a passenger's personal information is provided to an airline reservation operator. However, Pugliese does not disclose that a user provides identification information to an automated voice response system. Claim 1 has been amended to emphasize this feature of the present invention, and now recites "identification data provided by said user to said automated interactive voice response system." Applicant submits that Pugliese does not disclose, teach or suggest this limitation of the present invention.

The Examiner states that "claim 4 is silent with respect which parts of the reservations system are automated" and maintains that claim 4 is unpatentable over

Pugliese. (Office Action dated December 4, 2007, p. 3). Applicant respectfully disagrees. Claim 4 is dependent on amended claim 1, and now therefore more clearly conveys that the user is interacting with the automated interactive voice response system. Further, claim 4 specifically recites that “user interacts with said automated reservations system utilizing vocal responses.” In contrast, Pugliese teaches that a caller interacts with a live operator, and that the operator interacts with the reservations system. Applicant submits that Pugliese does not disclose, teach or suggest the limitation of the present invention recited in claim 4.

Last, the Examiner states that it would have been prima facie obvious to incorporate the voice recognition unit disclosed by Nemirofsky with the Pugliese system. Specifically, Examiner finds that a “voice recognition unit used in Pugliese’s system would solve a problem such as a visually-impaired user that is unable to follow on-screen directions or use a keypad.” (Office Action dated December 4, 2007, p. 3). Applicant respectfully disagrees that one of ordinary skill in the art at the time of the invention would find it obvious to combine the teachings of Nemirofsky with the Pugliese system, or that such a combination would result in the present invention. Pugliese discloses a system wherein a customer calls an airline reservation operator and purchases an airline ticket using a credit card. (See Pugliese ¶ 0011). The customer is then issued a plastic I.D. card for future purchases, including those involving frequent flier miles. (See Pugliese ¶ 0074). Nemirofsky discloses a voice recognition unit as part of a broader “electronic commerce system that facilitates dissemination and management tasks associated with advertisements and other advertising, promotion or information interchange messages.” (Nemirofsky, Abstract). One of ordinary skill in the art would

lack motivation to combine the voice recognition unit of Nemirofsky with Pugliese's operator-answered call center and I.D. card system.

Further, Pugliese does not teach the use of any automated system to access a user's awards account, provide the user with travel itineraries, allow the user to select a travel itinerary, determine if the user's account has sufficient awards to reserve the selected itinerary, and acquire additional payment from the user if necessary.

Nemirofsky does not make up for this deficiency. Accordingly, applicant submits that Pugliese and Nemirofsky, alone or combination, do not disclose, teach or suggest the limitations of the present invention recited in claim 9.

In summary, applicant respectfully submits that Pugliese fails to teach or disclose multiple limitations required by independent claim 1. Applicant's invention as defined by independent claim 1 is not obviated by the references and is therefore in condition for allowance. To further emphasize the patentability of the present invention over the prior art of record, Applicant has addressed the Examiner's rejections with respect to claims 4 and 9. However, dependent claims 2-11 are dependent on allowable independent claim 1 and are also not obviated by the references, alone or in combination, and are therefore in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejections.

III. CONCLUSION

Applicant submits that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Hill", written over a horizontal line.

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